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WILMER CUTLER PICKERING HALE AND DORR LLP
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JUN 06 2007

OFFICE OF PETITIONS

In re Application of :
Elias Georges, et al. :
Application No. 10/737,350 : **DECISION DISMISSING PETITION**
Filed: December 15, 2003 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 112418-149 AND AUR- :
011US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 31, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

Unfortunately, the petition was not referred to the appropriate deciding official for decision until after the issuance of this application into a patent. However, petitioner's attention is directed to 37 CFR 1.313(d), which states:

A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**. (Emphasis added)

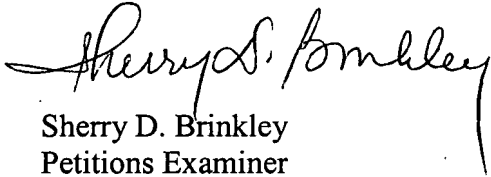
In this case, the petition was not received in the Office of Petitions for consideration until June 5, 2007, the date upon which the above-identified application issued as U.S. Patent No. 7,226,748. Since the case has now issued, the petition to withdraw from issue cannot be granted.

Petitioner is reminded, that while petitions to withdraw from issue may be mailed to the Commissioner for Patents, as was done in this case, applicants were cautioned to hand carry or fax petitions to withdraw from issue directly to the Office of Petitions. *See* MPEP § 1308.

The request for continued examination (RCE) filed concurrently with the petition is improper in view of the issuance of this application into a patent and will not be processed. Accordingly, the \$395 filing fee and the \$130 petition fee submitted are unnecessary and will be refunded in due course.

The Information Disclosure Statement has been made of record in the file of the above-identified application without further consideration. *See* 37 CFR 1.97(i).

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3204.

A handwritten signature in black ink, appearing to read "Sherry D. Brinkley". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

Sherry D. Brinkley
Petitions Examiner
Office of Petitions